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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,401	03/02/2005	Akihiro Fukasawa	1190-060 1PUS1	7072
2292 7590 12/10/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER KLIMOWICZ, WILLIAM JOSEPH	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 12/10/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/526,401

Applicant(s)

FUKASAWA, AKIHIRO

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims 1-3 and 8 are drawn to an invention nonelected with traverse in the reply filed on June 18, 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Status***

Claims 1-13 are currently pending.

Claims 5, 6 and 9-13 have been considered on the merits, and have been indicated as containing allowable subject matter.

Claims 1-3 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention/specie, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 18, 2007.

### ***Claim Objections***

Claims 4 and 9 are objected to because of the following informalities:

With regard to claim 4 (line 8), the word "media" should be changed to the word -- medium-- in order to remain consistent with the preceding claim language.

With regard to claim 9 (line 8), the word "media" should be changed to the word -- medium-- in order to remain consistent with the preceding claim language.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Moriyama et al. (US 2003/0076773 A1).

As per claim 4, Moriyama et al. (US 2003/0076773 A1) discloses a disk device comprising: a traverse unit (5, 51, 52) including a turn table (51) that holds and rotates a disk medium (D), an optical pickup (52) that performs at least one of writing and reading of information on said disk medium (D), and a traverse chassis (5) that supports them; a carrying means (4) that carries said disk medium (D) between a loading position and an unloading position; and a main chassis (1) supporting said traverse unit (5, 51, 52) so that said traverse unit (5, 51, 52) is capable of rotating, allowing said traverse unit (5, 51, 52) to move toward and away from said disk media, wherein said traverse chassis (5) has a pair of coaxial rotation shafts (60, 60) for said rotating, and said main chassis (1) has a pair of supporting portions (15, 16 on each side) respectively supporting said rotation shafts (60, 60), and wherein said supporting portions

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(15, 16) are so constructed that said rotation shafts (60, 60) are inserted into said supporting portions (15, 16) in a direction substantially parallel to the carrying direction of said disk medium (D) carried by said carrying means (4) (e.g., see, *inter alia*, paragraphs [0064-0065]), wherein said supporting portions (15, 16) include groove portions (e.g. 18) that open in a direction substantially parallel to the carrying direction of said disk medium (e.g., the direction of light-to-right, or vice versa, as seen in FIG. 22) carried by said carrying means (4).

As per claim 7, wherein said rotation shafts (60, 60) have abutting portions (61) that abut against said supporting portions (15, 16) - see FIG. 8 - so as to prevent said pair of supporting portions (15, 16) from being deformed in the directions away from each other.

### ***Response to Arguments***

Applicant's arguments filed October 24, 2007 have been fully considered but they are not persuasive.

The Applicant alleges at page 7 of the Response:

... Moriyama fails to teach or suggest each and every claimed element. For example, amended independent claim 4 recites, *inter alia*, "wherein said supporting portions include groove portions that open in a direction substantially parallel to the carrying direction of said disk medium carried by said carrying means." *Emphasis added*. It is respectfully submitted that Moriyama fails to teach or suggest the above-identified claim feature.

The Examiner respectfully disagrees based on the facts as evidenced by Moriyama et al. (US 2003/0076773 A1).

More specifically, as per claim 4, Moriyama et al. (US 2003/0076773 A1) discloses, *inter alia*, wherein the supporting portions (15, 16) are so constructed that the rotation shafts (60, 60)

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are inserted into said supporting portions (15, 16) in a direction substantially parallel to the carrying direction of said disk medium (D) carried by said carrying means (4) (e.g., see, *inter alia*, paragraphs [0064-0065]), wherein the supporting portions (15, 16) include groove portions (e.g., 18) that open in a direction substantially parallel to the carrying direction of said disk medium (e.g., the direction of light-to-right, or vice versa, as seen in FIG. 22) carried by the carrying means (4).

### ***Allowable Subject Matter***

Claims 5 and 6 are tentatively objected to as being dependent upon a rejected base claim, but, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication, would be favorably considered if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-13 are tentatively considered allowable over the art of record, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

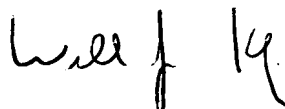
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'William J. Klimowicz'.

William J. Klimowicz

Primary Examiner

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WJK